

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Deborah Ann Byington,

Plaintiff,

Case No. 15-cv-10016

Hon. Judith E. Levy

v.

Mag. Judge Stephanie Dawkins  
Davis

Commissioner of Social Security,

Defendant.

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**ORDER ADOPTING MAGISTRATE JUDGE DAVIS'S REPORT  
AND RECOMMENDATION [25] ON THE CROSS-MOTIONS FOR  
SUMMARY JUDGMENT [20, 23]**

This is a Social Security appeal. Before the Court is Magistrate Judge Davis's Report and Recommendation (Dkt. 25) recommending the Court grant plaintiff's motion for summary judgment (Dkt. 20) and deny defendant's motion for summary judgment (Dkt. 23), issued March 2, 2016. The parties were required to file specific written objections within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. Accordingly, and on review of the Report and Recommendation,

The Report and Recommendation (Dkt. 25) is ADOPTED;  
Plaintiff's motion for summary judgment (Dkt. 20) is GRANTED;  
Defendant's motion for summary judgment (Dkt. 23) is DENIED;  
and

The findings of the Commissioner are REVERSED AND  
REMANDED for proceedings consistent with the Report and  
Recommendation.<sup>1</sup>

IT IS SO ORDERED.

Dated: May 4, 2016  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

### **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 4, 2016.

s/Felicia M. Moses  
FELICIA M. MOSES  
Case Manager

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<sup>1</sup>The parties, by failing to object to the Report and Recommendation, have waived any further right of appeal. *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).